HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Revision No. 470/2001
(Old No. 1720 of 1993)

Babu @ Babu and Anwar ……Revisionists

Vs.

State of U.P. and Madan Pal Singh …….Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionists. Heard Sri Amit Bhatt learned A.G.A. for the State and perused the record.

This criminal revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') was preferred against the judgment and order dated 7.8.1993 passed by the CJM, Uttarkahsi whereby the cognizance of the offence under sections 420/506 IPC was taken on the written compliant and summoning order under section 204 of the Code was passed against the revisionists. Notice was personally served on the revisionist no.2. Revisionist no.1 was reported to have gone outside of the city of Meerut. Both the revisionists reside at the same place and therefore the service is also treated as sufficient on revisionist no.1.

From perusal of the written complaint, it is evident that an amount of Rs. 8,000/- had been received by the revisionists by deceit giving false pretext of providing employment to the complainant and further that the money was fleeced from him by these revisionists on the said false promise of providing to the complainant some employment. The revisionists have also not returned the money which they received from the complainant for providing employment. On the basis of cheating and the evidence, there was sufficient reasons to proceed against the revisionists for commission of the offences under section 420 & 406 IPC. The summoning order thus passed was based on the proper evidence as adduced under sections 200 & 202 IPC and the same therefore cannot be said to be unjust and illegal.

For the above reasons, the revision is without merit and is liable to be dismissed. The petition is hereby dismissed. Stay order dated 1.12.1993 is vacated. The CJM, Uttarkashi is directed to expedite the trial of the criminal case no.600/1993 Madan Pal Singh Vs. Anwar and others.

(Irshad Hussain, J.)

Date 26.4.2004
Rawat